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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

ASHBURN, STEVEN L

ART UNIT

PAPER NUMBER

3714

DATE MAILED: 08/21/2003

14

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/719,706

Applicant(s)

GUARY ET AL.

Examiner

Steven Ashburn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 12 and 13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12 and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –
(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-3, 6, 8 and 10 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by ‘3DZoneMaster’, collectively referenced to <www.proxy-ms.co.il/pegasus.htm> (1998), <www.mpog.com/reviews/hardware/controls/-techmedia/3dzone> (1997), <www.gamesdomain.co.uk/-gdreview/zones/review/hardware/-jan98/3dz_prnt.html> (Jan. 1998), <www.time.com/time/magazine/-1997/dom/971215/-techwatch.html> (Dec. 1997) and <www.gamersu.com/reviews/hardware.sap?id=11> (hereinafter “3DZoneMaster”)

3DZoneMaster discloses a pistol-type pointing device for computer system. The references teach using the device as a substitute of typical computer input devices, such as a mouse or trackball. As suggested by its name, the device is intended for use as a controller in three-dimensional games. See *www.gamersu.com*, pp. 1-2; *www.gamesdomain.co.uk*, pp. 2-3. Particularly, the controller was sold bundled with the *VIRTUA SQUAD*; a 3-D pistol-shooting game for home computers released by Sega, Inc.

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in 1997 which, in turn, is derived by *VIRTUA COP*; a 3-D pistol-shooting arcade game released by Sega, Inc. in 1994. Thus, the references clearly teach a pistol-device for shooting games.

In regards to claim 1: *3DZoneMaster* teaches the following features:

- a. A display system which can display an image of a video game shooting system incorporating at least on virtual target wherein the image is representative of a viewing field of the a virtual actor; and a game processor having at least microprocessor which is connectable to the display system to control the image of the video game shooting system on the display system. More specifically, *3DZoneMaster* provides a pistol device for use with personal computing systems to play games such as *VIRTUA COP* wherein target images are displayed on a CRT as commanded by a processor executing game instructions wherein the images are representative of the player's field of view. See *www.gamesdomain.co.uk*, pp. 2-3.
- b. A pistol, connectable to the game processing means, comprising
 - i. A grip supporting a frame which defines a shooting axis. See *www.gamersu.com*, p. 1. More specifically, the device is formed to resemble a pistol with a grip and a barrel, wherein the barrel forms a frame that defines the shooting axis.
 - ii. Means for triggering shots being activated by the player to send a shooting instruction to the game processing means at an instant chose by the player. More specifically, the device provides a trigger button. See *www.proxy-ms.co.il*, p. 1. For example, in playing a shooting-game such a *VIRTUA COP*, the trigger button would send shooting instruction.
 - iii. Displacement of the shooting axis relative to the display system and the virtual actor is caused by an orientation of the frame of the pistol relative to the display system due to the player's action. See *www.gamesdomain.co.uk*, pp. 2-3.

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iv. An integrated means to control a movement of the viewing field of the virtual actor, enabling the player to move the virtual actor in the video game shooting system and to shoot in a location at a moment chosen by the player. *See id.* As taught by the reference, players may use the hat-switch to move and the 3-D position sensor for changing the view. *See id.*

Consequently, the every feature of the claim is anticipated by *3DZoneMaster*.

In regards to claim 2: *3DZoneMaster* teaches an integrated multidirectional control device for controlling the movement of the viewing field of the virtual actor. *See id.*

In regards to claim 3: *3DZoneMaster* teaches the multidirectional control device enabling the player to move the virtual actor in at least one of left, right, forward and back directions. *See id.* Notably, the device is customizable to assign a variety of control inputs to the multidirectional control device. *See www.mpog.com, pp. 3-4; www.proxy-ms.co.il, p. 3.*

In regards to claim 6: *3DZoneMaster* teaches a switching button which enables the multidirectional control device to cause movement of the virtual actor's head. *See id.*

In regards to claim 8: *3DZoneMaster* teaches trigger means for triggering shots. More specifically, the device provides a trigger button. *See www.proxy-ms.co.il, p. 1.* In playing a shooting-game *VIRTUA COP*, the trigger button triggers shots at virtual targets on the display. *See www.gamesdomain.co.uk, pp. 2-3.*

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In regards to claim 10: *3DZoneMaster* teaches a computer and monitor. See *www.mpog.com*, pp. 1, 2 and 4. More specifically, the device requires at least a IBM PC compatible 386 and a VGA monitor. See *id.*

Claim Rejections - 35 USC § 103

Claims 4, 5, 7, 9 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over *3DZoneMaster*.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 5, 7, 9 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over *3DZoneMaster*.

3DZoneMaster describes a three-dimensional, pistol-style controller particularly suited for shooting games. In addition to tracking the ^{aim} point of the controller in three-dimensions, the device integrates a multi-directional controller (i.e. coolie hat) into upper-face of the device for slewing the displayed field of view. See pp. 1, 7, and 12. Furthermore, the controller's switches are programmable to support various functions required by software. See pp. 1, 8. Thus, *3DZoneMaster* teaches a pistol-style controller with in integrated multi-directional controller as an improved user-interface in a shooting game where the player must provide directional control while targeting objects displayed on the screen.

In regards to claim 4: *3DZoneMaster* integrates a multi-directional switch. See p. 1, 7, 12. However, the reference does not suggest employing a control pad, joystick or trackball as alternate directional controllers. Regardless, one with ordinary skill in the art would recognize these devices as substitutable equivalents used for the same purpose as a multi-directional switch. Thus it would be obvious to substitute a control pad, joystick or trackball for the multi-directional switch described by *3DZoneMaster*.

In regards to claim 5: *3DZoneMaster* describes using the controller in three-dimensional, first person shooter games. Additionally, it allows the users to customize the controller's switch to execute commands otherwise assigned to keyboard, mouse, or joystick switches. See pp. 1, 8. However it does not discuss a button for switches the effect of the multi-directional controller to enable lateral movement of a game character. Regardless, it is notoriously well known in first-person-shooter games to employ a button to switch a directional controller from commanding left/right rotation to left/right lateral movement of the game character (i.e. strafe, slide, or sidestep). This feature is typically incorporated into keyboard, mouse, and joystick controls for first-person-shooter games to allow a player remain facing forward while moving or dodging an enemy character's attack. The examiner takes official notice that it would have been obvious to provide a button in the *3DZoneMaster* controller to effect of the multi-directional controller to enable lateral movement of the game character.

In regards to claim 7: *3DZoneMaster* does not disclose employing the feedback to simulate the recoil of a pistol when fired. Regardless, shooting games using simulated pistols that simulate recoil are notoriously well-known in the art of shooting games systems. At the time of the invention, an artisan with ordinary skill in the art would have been aware other devices

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incorporating this feature. Thus the examiner takes official notice that it would have been obvious to an artisan at the time of the invention to modify the *3DZoneMaster* to simulate the tactile sensation of recoil when employing the controller in a shooting game.

In regards to claims 9 and 10: *3DZoneMaster* discloses a controller for use with a computer system. However, the references do not discuss using the controller with a television console or virtual reality systems. Regardless, one with ordinary skill in the art would have knowledge of these alternate systems for creating games of various realism and expense. Thus using the controller within a television or virtual reality system would have been obvious to an artisan at the time of the invention based on his implicit knowledge.

In regards to claims 12: *3DZoneMaster* disclose a pointing device for a computer user interface. Although not discussed, the essence of a computer pointing device is an on-screen pointer. Thus the examiner assumes the references employ some fashion of cursor displayed on a computer display. However, the reference does not describe representing a shooting axis using a visible crosshair and the game image. Regardless, it is notoriously well known in shooter games to designate an aim point with a crosshair in order to mimic a gun sight. Thus the examiner takes official notice that it would be obvious to designate an aim point in a shooting game user the controller described by the *3DZoneMaster* using a crosshair. It would have been obvious to one skilled in the art at the time of the invention to incorporate the above features of a video shooting game into the multi-directional controller disclosed by *3DZoneMaster*. The resulting system game would offer an improved interface allowing the to both target and move and thereby offer a more realistic and enjoyable game experience.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Ashburn whose telephone number is 703 305 3543. The examiner can normally be reached on Monday thru Friday, 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872 9302 for regular communications and 703 872 9303 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 1078.

S.A.
August 19, 2003



MARK SAGER
PRIMARY EXAMINER